

President Wallace Nelson called the meeting to order at 10:05 am with Board Members Andy Bowman, Mischelle Corbin, Ashley Duggins, Chris Sain, and Keith Vance present.

Also in attendance were Executive Director Jay Campbell, Board Counsel Clint Pinyan, Associate Executive Director Ellen Vick, Director of Inspections Krystal Stefanyk, Director of Investigations Loretta Wiesner, Director of Operations Kristin Moore, Director of Licensing Missy Betz, Information Technology Administrator Antoine Pryor, Director of Finance & HR Rhonda Jones, Accounting Manager JP Brown, Senior Investigator/Inspector Jason Smith, Investigator/Inspector Brent Slaughter, Enforcement Specialist Cindy Parham, and Administrative Assistant Leslie Wilson.

Present as visitors were Tony Mitchum, Lauren Paul, Susan Del Monico, Gray Wilson, and Amy White.

#### Ethics Statement & Welcome

President Nelson read the Ethics Statement regarding conflicts of interest. No conflicts were noted by Board members.

#### Consideration of Meeting Minutes

The members received the January 2023 Meeting minutes and the February 14, 2023 Special Meeting minutes for review prior to the meeting. Dr. Bowman moved to approve the minutes. Ms. Corbin seconded. The motion passed with no dissenting votes.

#### Disciplinary Hearings

##### *Amy Mittman White, Pharmacist License # 07153*

Dr. Bowman presided over a pre-hearing conference on this matter and therefore recused himself from participation in the full board hearing.

A summary of the grounds on which the Board is requesting that the Board impose discipline is as follows:

1. On June 3, 2021, White posted private health information about a patient on a public website.
2. On April 1, 2022, White permanently closed The Hawthorne Pharmacy. White failed to notify the Board of Pharmacy or the DEA of the closing. The Board only learned of the closing when it attempted to serve notice of the conference in this matter on September 1, 2022. The Board closed the permit on September 6, 2022, when White confirmed that the pharmacy had been permanently closed. White did not close out her DEA registration until November 16, 2022, several days after the

prehearing conference was held in this case. White thus allowed the pharmacy permit and DEA registration to remain active for over five and seven months respectively after the pharmacy closed.

The Board heard testimony from Inspector/Investigator Brent Slaughter and from Pharmacist White.

After closing arguments from both attorneys and questions from the Board, Ms. Corbin moved for a closed session to deliberate. Dr. Vance seconded. The motion passed unanimously.

Upon the Board's return, Ms. Corbin moved, and Dr. Bowman seconded, a motion to return to open session. The motion passed unanimously.

President Nelson issued the Board's decision, which is found in the Board order attached to these minutes.

The Board then took a short recess.

*Angelica Joy Morrison, Technician Registration # 40711*

Dr. Bowman presided over a pre-hearing conference on this matter and therefore recused himself from participation in the full board hearing.

A summary of the grounds on which the Board staff will request that the Board impose discipline is as follows:

On February 24, 2021, Morrison unlawfully accessed the protected medical records of a patient of Novant Health, where Technician Morrison was employed. Morrison subsequently used that information to appear at the patient's home and cause property damage.

Despite receiving timely notice, Technician Morrison was not present at the hearing.

The Board heard testimony from Senior Inspector/Investigator Jason Smith and Director of Inspections Krystal Stefanyk to testify.

After receiving testimony and reviewing documents, Dr. Vance moved that the Board find that Technician Morrison has violated laws and rules governing the practice of pharmacy and that she not be eligible to reinstate her technician registration. Dr. Duggins seconded. The motion passed. The Board's ruling is found in the order attached to these meetings.

Financial Report

Accounting Manager JP Brown presented the monthly financial report. The members received the report prior to this meeting. The members reviewed and had no questions.

### Licensing Report

#### 2023 Renewal Season

Missy Betz, Director of Licensing, reported that license/registration renewal period has ended for Pharmacists, Technicians, Dispensing Physicians, PAs, NPs, and CPPs. All licenses and registrations not renewed are now inactive, and non-renewers were notified by electronic mail on March 2, 2023. Permittees (pharmacy and DME) may execute a late renewal through the end of March.

### Enforcement Report (*Stefanyk*)

Director of Inspections Krystal Stefanyk presented the investigations report and current caseload.

Board enforcement staff will be attending sterile compounding training in mid-March at the Kennedy Pharmacy Innovation Center in Columbia South Carolina.

### Legislative Report (*Pinyan, Campbell*)

The General Assembly has convened its 2023 long session. Bills of interest:

S69 – Educate Patients About Opioid Antagonists. The bill would require a prescriber, when issuing a prescription for an opioid to provide information to the patient about potential opioid danger, overdose prevention, and the availability and use of FDA-approved opioid antagonists to reverse opioid-induced respiratory depression. Pharmacists would be required, when dispensing an opioid pain medication, to ask whether the patient has a prescription for an opioid antagonist and, if so, offer to fill it; if the patient lacks an opioid antagonist prescription, offer to dispense one pursuant to the statewide standing order for naloxone; and provide the same information to the patient that the prescriber is required to provide as mentioned earlier.

Drs. Duggins and Vance noted that pointed out that the copay for naloxone is often several times that for a dispensed opioid. They expressed concern that educational efforts are unlikely to produce higher uptake of opioid antagonists as long as this cost disparity exists. The Board members asked Mr. Campbell to flag this issue for the North Carolina Association of Pharmacists.

H.75 – Physician Assistant Team-Based Practice. This bill would make a number of changes to physician assistant practice. Board staff had concerns that it would strip the Board of Pharmacy from any oversight of physician assistant drug dispensing and compounding. These concerns were discussed by the full Board with respect to a similar bill in the 2022 legislative session. Board staff communicated the concerns again and note that an amendment sponsored by Representative Sasser resolved the concern.

S.3 – Compassionate Care Act. The bill would create a registration system for patients and a cannabis supply center process for providers of medical marijuana. Regulation of the medical marijuana system would lie with the North Carolina Department of Health and Human Services, and a “Compassionate Use Advisory Board” would provide input. One member of the Compassionate Use Advisory Board appointed by the Governor would be “a pharmacist licensed in this state.” The bill also contemplates formation of a Medical Cannabis Production Commission to regulate the growth and production of cannabis products and to issue ten (10) licenses for cannabis production in North Carolina.

There is likely to be legislation introduced concerning: retention of PREP Act-granted authorities for pharmacists and pharmacy technicians under state law; pharmacist test-to-treat authority; expanded pharmacist collaborative practice authority.

#### Rulemaking (*Pinyan, Campbell*)

##### *For Action by the Board:*

Proposed Publication of New Rule 21 NCAC 46.1821, Direct-to-Patient Delivery Systems, for Notice and Comment

Proposed Publication Amendment to Rule 21 NCAC 46.1616, Limited Service Permits, for Notice and Comment

The Board of Pharmacy proposes to adopt a rule permitting pharmacies to employ certain direct to patient systems, which are technologies that dispense drugs directly to patients. The proposed rule contains provisions to allow pharmacies to comply with the laws governing dispensing drugs, devices, or medical equipment while using these systems. The proposed rule further contains provisions that would ensure that the systems can be used safely and securely, that required records are maintained, that the home pharmacy can adequately supervise and service these systems, and that patients may use these systems while also receiving information, safeguards and counseling that they need to use their drugs, devices, and medical equipment safely. There is an accompanying proposed change to the Board of Pharmacy's limited service permit rules to provide for permitting of systems that a pharmacy may place in a location other than the home pharmacy's facility.

Dr. Sain moved to publish the proposed rule and amendment for notice and comment. Dr. Bowman seconded. The motion passed unanimously.

*Rulemakings in Progress:*

None

*Rulemakings Completed:*

Repeal of 21 NCAC 46.1819, COVID-19 Drug Preservation Rule

The Board then broke at 12:30 pm for lunch and reconvened at 1:15 pm.

Haywood Fund

Proposed Amendment to Pharmacy Technician Eligibility Criteria in the Haywood Fund Agreement

During the February 14, 2023 Board workday, the Haywood Fund Committee met to further consider proposed changes to the Haywood Fund Agreement. The Committee recommended: (a) changing pharmacy technician eligibility to require that a technician be certified, registered as a technician for five (5) years, and practicing at current place of employment for at least two (2) years; and (b) capping the funds available for a pharmacy technician to receive an outpatient substance use disorder assessment at \$750, with NCPHP staff having the ability to go above this among in unique circumstances.

Dr. Sain moved to approve the proposed amendment to Haywood Fund Agreement and authorize Mr. Campbell to execute the amendment on the Board's behalf. Dr. Bowman seconded. The motion passed unanimously.

Committee Progress Reports

Budget & Finance Committee – *Duggins, Corbin, Nelson* (members); *Campbell, Jones, Brown* (staff)

Committee met on February 14, 2023 to refine the Executive Director annual evaluation process. Board staff have mapped out the FY2023-24 budget process timelines, and the Committee will meet on April 11, 2023 to review the proposed FY 2023-24 budget and make recommendations to the full Board.

Health-System Rules Review – *Nelson, Sain* (members); *Campbell, Pinyan, Stefanyk, Wiesner* (staff)

The Committee has invited seven experienced practitioners in a variety of health-system practice to form a working group. All invitees have accepted, and have been tasked with reviewing the Section 1400 rules and suggesting specific areas of potential rule change.

Patient Counseling Rule Review – *Duggins, Vance, Bowman* (members); *Campbell, Pinyan* (staff)

Committee met during the February 14 workday. The members discussed general topics for potential rule amendment. Committee members are reviewing a recent NABP task force report that had recommendations bearing on this committee's work.

S.L. 2021-110 Implementation (New Practice Authorities) – *Duggins, Corbin, Vance*, (members); *Campbell, Pinyan, Vick* (staff)

The Board's designees to the joint S.L. 2021-110 Pharmacy-Medical Board Committee met during the February 14 workday to review the results of a survey to pharmacists conducted by NCAP concerning the State Health Director's standing orders implemented in March 2022. The members directed Board staff to reach out to their counterparts at the Medical Board to plan for joint meetings to consider permanent protocol implementation.

#### NABP Annual Meeting, May 10 - 12, 2023, Nashville, TN

All Board members have been registered for the annual meeting and hotel rooms have been secured.

#### District 3 Meeting, September 10 - 13, 2023, Sarasota, FL

The Board will be notified when registration is open.

#### MALTAGON Meeting, October 15 – 18, 2023 Knoxville, TN

Registration is not yet open. Ms. Parham will notify the Board when it is.

#### SEIs Due to Ethics Commission by April 15, 2023

Mr. Campbell reminded the Board that SEIs were due by April 15<sup>th</sup>. Mr. Campbell will send periodic reminders and links to the on-line filing system.

#### 2023 Annual Retreat

The Board agreed to hold the annual retreat Nov. 12<sup>th</sup> through Nov. 14<sup>th</sup>. Mr. Campbell asked the Board to email Ms. Wilson suggestions for possible venues.

Consent Agenda

The following items were approved.

Staff Issued Letters of Warning and Consent Orders

RPh. Carlie Robert Bowling, License #14736

RPh. Amber Nicole Locklear, License #18891

Technician Lee Ann Middleton, Registration # 03977

Staff Issued Letters of Warning

RPh. Nicholas Andrew Schroeder, License # 27005

Staff Issued Letters of No Action

RPh. Jennifer Nash, License #21151

Staff Issued Letters of Warning and Consent Orders

CVS Pharmacy, Permit #10748

RPh. Phillip James DeVillier, License #27501

Consent Order of Discipline

RPh. Michael Laurence Brown, License # 18919

Consent Order of Reprimand

RPh. Kristen F. Wright, License #16510

Consent Order Reinstating License With Conditions

RPh. Celeste Malishewsky, License #14090

Consent Order of Discipline

RPh. Andrew Steven Poepelman, License #26172

Consent Order Reinstating License with Conditions

RPh. Devan Allen Conley, License #29793

Reciprocity Candidates

License Number	First Name	Last Name	License Type	License Status	Licensed Date	Licensure Method
31868	Trevor	Walker	Pharmacist	Active	2023-01-18	Reciprocity
31870	Destiny	Branum	Pharmacist	Active	2023-01-19	Reciprocity

31869	Venkata	Bhogaraju	Pharmacist	Active	2023-01-19	Reciprocity
31871	Alexander	Clapsaddle	Pharmacist	Active	2023-01-20	Reciprocity
31872	Charmi	Patel	Pharmacist	Active	2023-01-23	Reciprocity
31873	David	Stickley	Pharmacist	Active	2023-01-25	Reciprocity
31874	Lindsay	Cole	Pharmacist	Active	2023-01-25	Reciprocity
31876	Matthew	Kahle	Pharmacist	Active	2023-01-31	Reciprocity
31875	Marvin	Graves	Pharmacist	Active	2023-01-31	Reciprocity
31877	Lelei	Nohr	Pharmacist	Active	2023-01-31	Reciprocity
31878	Alexander	Schlater	Pharmacist	Active	2023-01-31	Reciprocity
31879	Aldo	Martin	Pharmacist	Active	2023-02-01	Reciprocity
31880	Jessica	Roller	Pharmacist	Active	2023-02-02	Reciprocity
31881	Hannah	Morris	Pharmacist	Active	2023-02-03	Reciprocity
31882	Lisa	Dicks	Pharmacist	Active	2023-02-06	Reciprocity
31883	Nikki	Owen	Pharmacist	Active	2023-02-06	Reciprocity
31885	Rutu	Patel	Pharmacist	Active	2023-02-07	Reciprocity
31886	Jerry	Hudspeth II	Pharmacist	Active	2023-02-07	Reciprocity
31888	Rushabh	Shah	Pharmacist	Active	2023-02-09	Reciprocity
31889	Chloe	Stason	Pharmacist	Active	2023-02-10	Reciprocity
31890	Omar	Melik	Pharmacist	Active	2023-02-10	Reciprocity
31891	Annette	Taylor	Pharmacist	Active	2023-02-13	Reciprocity
31892	Hollie	Asmusse n	Pharmacist	Active	2023-02-14	Reciprocity
31893	Andrew	Shawver	Pharmacist	Active	2023-02-15	Reciprocity
31894	Rachael	Dever	Pharmacist	Active	2023-02-16	Reciprocity



31251	Megan	Buchalski	Pharmacist	Active	2023-02-16	Reciprocity
31895	Justin	Peterson	Pharmacist	Active	2023-02-17	Reciprocity
31896	Victoria	Shaputis	Pharmacist	Active	2023-02-20	Reciprocity
31897	Nicholas	Scarpino	Pharmacist	Active	2023-02-21	Reciprocity
31898	Alicia	Berry	Pharmacist	Active	2023-02-21	Reciprocity
31899	Justin	Blau	Pharmacist	Active	2023-02-22	Reciprocity
31900	Kelsey	Green	Pharmacist	Active	2023-02-23	Reciprocity
31903	Edward	Robinson	Pharmacist	Active	2023-02-23	Reciprocity
31906	Chelsea	Pappas	Pharmacist	Active	2023-02-24	Reciprocity
31905	Mary	Zaki	Pharmacist	Active	2023-02-24	Reciprocity
31904	Jane	Whitworth	Pharmacist	Active	2023-02-24	Reciprocity
31908	Brent	Footer	Pharmacist	Active	2023-02-27	Reciprocity
31907	Amy	DuPont	Pharmacist	Active	2023-02-27	Reciprocity
31909	Wen Zhen	Chen	Pharmacist	Active	2023-03-02	Reciprocity
31910	Yasmee n	Odeh	Pharmacist	Active	2023-03-02	Reciprocity
31911	Sean	Mertz	Pharmacist	Active	2023-03-06	Reciprocity
31912	Jacqueline	Aric	Pharmacist	Active	2023-03-06	Reciprocity
31915	David	Pham	Pharmacist	Active	2023-03-08	Reciprocity
31916	Caroline	Sanders	Pharmacist	Active	2023-03-08	Reciprocity
31917	Elisabeth	Kneeland	Pharmacist	Active	2023-03-09	Reciprocity
31918	Zachary	Stevenson	Pharmacist	Active	2023-03-10	Reciprocity
31921	Cassandra	Green	Pharmacist	Active	2023-03-14	Reciprocity
31920	Kimberly	Corless	Pharmacist	Active	2023-03-14	Reciprocity

CPP Candidates

License Number	First Name	Last Name	License Type	License Status	Licensed Date
700423	Bridget	Purser	Clinical Pharmacist Practitioner	Active	2023-01-26
700424	Jennifer	McAllister	Clinical Pharmacist Practitioner	Active	2023-01-26
700426	Heather	Gibson	Clinical Pharmacist Practitioner	Active	2023-02-08
700425	Allison	Cid	Clinical Pharmacist Practitioner	Active	2023-02-08
700427	Andrea	Lippucci	Clinical Pharmacist Practitioner	Active	2023-02-27
700428	Priya	Vaidya	Clinical Pharmacist Practitioner	Active	2023-03-01

Increase in Pharmacist to Technicians Ratio

Permit Number	Permit Type	Process Type	Status	Complete Date	PT Ratio
8143	Pharmacy	PT Ratio Change	Complete	18-Jan-23	1:5
12412	Pharmacy	PT Ratio Change	Complete	19-Jan-23	1:5
13570	Pharmacy	PT Ratio Change	Complete	19-Jan-23	1:4
13233	Pharmacy	PT Ratio Change	Complete	19-Jan-23	1:4
4281	Pharmacy	PT Ratio Change	Complete	19-Jan-23	1:4
7791	Pharmacy	PT Ratio Change	Complete	20-Jan-23	1:4
7913	Pharmacy	PT Ratio Change	Complete	23-Jan-23	1:5
10775	Pharmacy	PT Ratio Change	Complete	25-Jan-23	1:5
10909	Pharmacy	PT Ratio Change	Complete	25-Jan-23	1:4
10745	Pharmacy	PT Ratio Change	Complete	25-Jan-23	1:3
10709	Pharmacy	PT Ratio Change	Complete	25-Jan-23	1:4

6024	Pharmacy	PT Ratio Change	Complete	27-Jan-23	1:3
12069	Pharmacy	PT Ratio Change	Complete	30-Jan-23	1:5
10960	Pharmacy	PT Ratio Change	Complete	31-Jan-23	1:4
12731	Pharmacy	PT Ratio Change	Complete	02-Feb-23	1:5
13488	Pharmacy	PT Ratio Change	Complete	03-Feb-23	1:5
12232	Pharmacy	PT Ratio Change	Complete	06-Feb-23	1:5
11618	Pharmacy	PT Ratio Change	Complete	08-Feb-23	1:3
10287	Pharmacy	PT Ratio Change	Complete	09-Feb-23	1:3
14265	Pharmacy	PT Ratio Change	Complete	10-Feb-23	1:4
13991	Pharmacy	PT Ratio Change	Complete	10-Feb-23	1:5
13472	Pharmacy	PT Ratio Change	Complete	14-Feb-23	1:5
9524	Pharmacy	PT Ratio Change	Complete	20-Feb-23	1:5
10911	Pharmacy	PT Ratio Change	Complete	23-Feb-23	1:5
13572	Pharmacy	PT Ratio Change	Complete	28-Feb-23	1:4
11986	Pharmacy	PT Ratio Change	Complete	28-Feb-23	1:3
14266	Pharmacy	PT Ratio Change	Complete	01-Mar-23	1:5
11402	Pharmacy	PT Ratio Change	Complete	02-Mar-23	1:4
10919	Pharmacy	PT Ratio Change	Complete	03-Mar-23	1:3
12260	Pharmacy	PT Ratio Change	Complete	06-Mar-23	1:5
13637	Pharmacy	PT Ratio Change	Complete	09-Mar-23	1:4
10267	Pharmacy	PT Ratio Change	Complete	09-Mar-23	1:3

On a motion from Mr. Nelson, seconded by Ms. Corbin, the Board unanimously approved the consent agenda. Mr. Campbell asked that public record reflect that Board members recused themselves from cases over which they had presided as pre-hearing officer.

On a motion from Dr. Bowman, seconded by Ms. Corbin, passed unanimously, the Board moved into closed session to discuss possible summary suspensions.

When open session resumed on a motion from Ms. Corbin, seconded by Dr. Duggins with no dissenting votes, President Nelson stated that the Board summarily suspended Technician Registration No. 22883 issued to Sarah Howell and Pharmacist License No. 12599 issued to Melissa Ann Herring.

Dr. Vance moved to adjourn. Ms. Corbin seconded. The motion passed with no dissenting votes.

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Wallace Nelson, President

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Dr. Andy Bowman

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Mischelle Corbin

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Dr. Ashley Duggins

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Dr. Chris Sain

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Dr. Keith Vance